

**ENTERED**

September 30, 2021

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
VICTORIA DIVISION****ARNOLD SALAS, SR.,****Plaintiff,****v.****TRANSWOOD LOGISTICS, INC.;  
LEASCO, INC.; and JUSTIN LYNN  
LOPEZ,****Defendants.**§  
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§**Civil Action No. 6:19-cv-00101****ORDER ACCEPTING MEMORANDUM AND RECOMMENDATION**

Pending before the Court is the July 7, 2021 Memorandum and Recommendation (“M&R”) signed by Magistrate Judge Jason B. Libby. (Dkt. No. 44). In the M&R, Magistrate Judge Libby recommends that the Court: (1) deny the Defendants’ Motions to Exclude, (Dkt. No. 16) and (Dkt. No. 39); (2) grant Plaintiff Arnold Salas Sr.’s Motion for Leave, (Dkt. No. 40); (3) sanction Salas;<sup>1</sup> and (4) deny as moot the Defendants’ Motion for Summary Judgment (Dkt. No. 15).

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<sup>1</sup> The M&R recommends sanctions in the following form:

denying Plaintiff’s counsel any costs and expenses associated with the depositions of any experts and requiring Plaintiff to reimburse Defendants’ costs and attorneys’ fees associated with the additional expert discovery and also for the cost and attorneys’ fees of preparing their pending Motion for Summary Judgment based on Plaintiff’s lack of expert evidence, their Motions to Exclude and any related responses and replies as well as their preparation and appearances at the multiple hearings related to these motions and issues.

(Dkt. No. 44 at 15–16).

The Parties were provided proper notice and the opportunity to object to the M&R. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); General Order No. 2002-13. No party has objected. As a result, review is straightforward — plain error.<sup>2</sup> *Guillory v. PPG Indus., Inc.*, 434 F.3d 303, 308 (5th Cir. 2005). No plain error appears. Accordingly, the Court **ACCEPTS** the M&R as the Court’s Memorandum Opinion and Order.

The Court **DENIES** the Defendants’ Motions to Exclude. (Dkt. No. 16); (Dkt. No. 39).

The Court **GRANTS** Plaintiff Arnold Salas Sr.’s Motion for Leave. (Dkt. No. 40).

The Court **SANCTIONS** Salas as outlined in the M&R. Accordingly, the Court **ORDERS** the Defendants to submit, within fourteen days of this Order, an affidavit of their costs and fees to date. The Magistrate Judge may determine the specific amount of costs and fees to be awarded.<sup>3</sup>

The Court **DENIES AS MOOT** the Defendants’ Motion for Summary Judgment. (Dkt. No. 15).

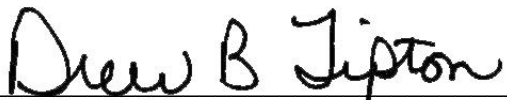
It is SO ORDERED.

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<sup>2</sup> By contrast, when a “district court undertakes an independent review of the record,” the “review is *de novo*, despite any lack of objection.” *Alexander v. Verizon Wireless Servs., L.L.C.*, 875 F.3d 243, 248 (5th Cir. 2017).

<sup>3</sup> Magistrate judges have authority to enter non-dispositive sanctions orders. 28 U.S.C. § 636(b)(1)(A); *Merritt v. Int’l Bhd. of Boilermakers*, 649 F.2d 1013, 1016–17 (5th Cir. Unit A 1981) (per curiam); *United States v. Trowbridge*, 393 F. Supp. 3d 603, 610 n.9 (S.D. Tex. 2018).

Signed on September 30, 2021.

  
DREW B. TIPTON  
UNITED STATES DISTRICT JUDGE